

FEBRUARY 9, 2012**7235 HOBBS RD****ZONE CHANGE**

From: A-R Rural Agriculture	
To: B-4 General Business	
Proposed Use: Golf Cart Sales, Service, Rental	
Acreage: 0.41	
Applicant: Tony's Carts & Parts; William T. Lytle (1202.1826)	
Surrounding Zoning Classifications:	
North: R-1A	South: A-R
East: A-R	West: A-U

Proposed Zone & Land Use Plan

The applicant is seeking a B-4 General Business zone. The subject property is partially located in a Rural Community Plan Area where general business uses are appropriate in limited locations and partially located in Rural Maintenance Plan Area where general business uses are generally not recommended.

SPECIFIC LAND USE CRITERIA

- (a) **Building and lot patterns; outdoor storage areas -** Building and lot patterns should conform to the criteria for “Nonresidential Development” (D7), and outdoor storage yards, with “Buffers for Outdoor Storage Yards” (D1).
- (b) **Logical zoning expansions of proportional scope -** Existing General Business zones may be expanded onto contiguous land that generally abuts the same street(s). The expansion of a General Business zone should not significantly increase the extent of the zone in the vicinity of the expansion and should not overburden the capacity of roadways and other necessary urban services that are available in the affected area.
- (f) **New Locations in Rural Communities -** In Rural Community plan areas, new locations of General Business zones should be “major-street-oriented” (D2) and should be sited at corners of intersecting streets if located in close proximity to existing dwellings.

Planning Staff Review**GENERAL LAND USE CRITERIA****Environment**

- It appears that the subject property is not located in a wetlands area per the US Department of Agriculture Soil Conservation Service dated March 6, 1990.
- The subject property is not located in a special flood hazard area per FIRM Map 21059CO235 D.
- It appears that the subject property is not within the Owensboro Wellhead Protection area per the GRADD map dated March 1999.

- The property is not designated as prime agricultural farmland per the US Department of Agriculture Soil Conservation Service map dated March 1980.
- The developer is responsible for obtaining permits from the Division of Water, The Army Corp of Engineers, FEMA or other state and federal agencies as may be applicable.

Urban Services

Electricity, water and gas are available to the subject property. Sanitary sewage disposal would be accomplished by an on-site septic system.

Development Patterns

The subject property is located in the area of the West Louisville Rural Community. Various land uses exist in the vicinity including a restaurant, a retail firearms dealer, single-family residences, agricultural land, and the Diamond Lakes complex.

Tony's Carts and Parts is currently operating on an adjoining property but is in violation of the zoning ordinance for operation of a retail sales establishment in an A-R Rural Agricultural zone. A business license was issued by the county but OMPC staff was not contacted about locating on the property. As a remedy to the violation, the applicant proposes to rezone the 0.41 acre tract and relocate all business activities to the site.

Diamond Lakes is located to the south and east of the subject property and is primarily an RV/campground site which is conditionally permitted within an A-R Rural Agriculture zone. However, many of the uses associated with Diamond Lakes are typical of uses found in commercial zones including a restaurant, a theatre, go-kart tracks, a snack shop, a gift shop and other similar uses. The sales and services of golf carts and similar equipment compliments the Diamond Lakes property and is similar in character to the surrounding area within the West Louisville Rural Community.

A screening buffer will be required along the north, east and south properties lines between the proposed B-4 General Business zoning and the surrounding R-1A Single-Family Residential and A-R Rural Agriculture zoning. A 10 foot landscape easement with a six foot tall solid element and one tree every 40 linear feet is required. All vehicular use areas are required to be paved including display areas for items for sale. Vehicular use area landscaping is required where parking areas are adjacent to the road right-of-way. Since the site is in the vicinity of existing residences, all lighting on the site shall be directed away from the adjoining residential properties.

SPECIFIC LAND USE CRITERIA

The proposed zoning for the subject property is substantially in compliance with the adopted

Comprehensive Plan. The subject property is partially located within the West Louisville Rural Community and is an expansion of existing non-residential uses associated with the Diamond Lakes property to the south and east. The sales and repair of golf carts is consistent with uses found at Diamond Lakes. The subject property is not located at the corner of existing streets but is located close to the entrance to Diamond Lakes with only one residential property to the north that is not owned by the applicant. With screening as required by the zoning ordinance, the subject property should be able to integrate properly with the surrounding area.

Planning Staff Recommendations

The planning staff recommends approval subject to the condition and findings of fact that follow:

Condition – Comply with the zoning ordinance in regards to site development requirements.

Findings of Fact:

1. Staff recommends approval because the proposal is substantially in compliance with the community's adopted Comprehensive Plan;
2. The subject property is partially located in a Rural Community Plan Area where general business uses are appropriate in limited locations and partially located in Rural Maintenance Plan Area where general business uses are generally not recommended;
3. The proposal is an expansion of existing non-residential uses associated with the Diamond Lakes property to the south and east;
4. The sales and repair of golf carts is consistent with uses found at Diamond Lakes; and,
5. With screening as required by the zoning ordinance, the subject property should be able to integrate properly with the surrounding area.